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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/303,950	09/09/94	HESS	D

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E6M1/0529

EXAMINER	
MULLEN, T	
ART UNIT	PAPER NUMBER
	9

DATE MAILED: 2617

05/29/96

Below is a communication from the EXAMINER in charge of this application

COMMISSIONER OF PATENTS AND TRADEMARKS

### ADVISORY ACTION

☒ THE PERIOD FOR RESPONSE:

- a) ☒ is extended to run \_\_\_\_\_ or continues to run 3 mos. from the date of the final rejection
- b) ☐ expires three months from the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later. In no event however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.138(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

☐ Appellant's Brief is due in accordance with 37 CFR 1.182(a).

☒ Applicant's response to the final rejection, filed 5/23/96 has been considered with the following effect, but it is not deemed to place the application in condition for allowance:

1. ☒ The proposed amendments to the claim and/or specification will not be entered and the final rejection stands because:
- a. ☐ There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.
  - b. ☒ They raise new issues that would require further consideration and/or search. (See Note).
  - c. ☐ They raise the issue of new matter. (See Note).
  - d. ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
  - e. ☐ They present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: See attached.

2. ☐ Newly proposed or amended claims \_\_\_\_\_ would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.
3. ☒ Upon the filing an appeal, the proposed amendment ☐ will be entered ☒ will not be entered and the status of the claims will be as follows:

Claims allowed: \_\_\_\_\_  
Claims objected to: \_\_\_\_\_  
Claims rejected: 1-9 and 11-15

However:

☐ Applicant's response has overcome the following rejection(s): \_\_\_\_\_

4. ☐ The affidavit, exhibit or request for reconsideration has been considered but does not overcome the rejection because \_\_\_\_\_
5. ☐ The affidavit or exhibit will not be considered because applicant has not shown good and sufficient reasons why it was not earlier presented.

☐ The proposed drawing correction ☐ has ☐ has not been approved by the examiner.

☐ Other

#### NEW ISSUES

It was agreed in the 5/2/96 interview that the prior art fails to teach or suggest combining a microprocessor with a cellular phone such that the microprocessor has the function of initiating a phone call over the cellular phone, since such a function would require an interface between these elements which converts "cellular" to "dial tone" which is not taught or suggested by the prior art (see the Interview Summary). However, proposed claim 1 merely calls for "circuitry" enabling the microprocessor board to "communicate" with the cellular transceiver, without any statement of the function(s) carried out by this "communication", in particular that the microprocessor initiates a phone call over the cellular phone. As such, claim 1 presents a broader recitation than what was agreed to in the interview, and thus presents a NEW ISSUE. (Proposed claims 11 and 15 are acceptable as to this issue.)

In proposed claim 15, the following elements were deleted from the claim: wireless security contact switches, signal receiver, handle, siren, strobe light, motion detector. This represents a NEW ISSUE since all of the previously presented independent claims recited at least one of the "contact switches" and the "signal receiver".

#### INDEFINITENESS PROBLEMS IN PROPOSED CLAIMS

Claim 1, the word "and" should be deleted on line 12 and inserted after the semi-colon on line 15.

Where proposed claim 1 replaces the term "communication device" with "cellular transceiver", claim 8 is thus indefinite in that (i) "said communication device" lacks antecedent basis, and (ii) it is unclear if the "cellular transceiver" recited in claim 8 is the same or a different element as the "cellular transceiver" recited in claim 1.

Claim 15, lines 6-7, it is unclear what is meant by the

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microprocessor board being adapted to receive a signal from a "condition".

Claim 15, line 21, the comma after "enclosure" should be deleted.

Claim 15, lines 23-24, "said building being monitored" lacks antecedent basis (prior reference to a "building" was deleted when the recitation of "contact switches" was deleted).

Claim 15, line 24, after the semi-colon should be inserted "and".

At the end of claim 15, "said building" lacks antecedent basis (see the discussion of lines 23-24 above).

#### OTHER MATTERS

Applicant stated in the amendment (p. 5, next-to-last paragraph) that proposed drawing corrections were enclosed; however, no such drawing sheets were found.

Regarding applicant's arguments as to the asserted differences in "portability" between applicant's device and the prior art devices, no agreement was reached at the interview as to whether any differences in "portability" are patentable.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Mullen whose telephone number is (703) 305-4382. The examiner can normally be reached on Mon.-Fri. from 7:30AM to 4:00PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass, can be reached on (703) 305-4392. The fax phone number for this Group is (703) 308-5397.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-8576.

T. Mullen  
May 24, 1996

*Thomas J. Mullen*  
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